

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

BIG LOTS, INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 24-11967 (JKS)

(Jointly Administered)

Related to Docket Nos. 11 and 106

**STATEMENT AND RESERVATION OF RIGHTS OF THE
OFFICIAL COMMITTEE OF UNSECURED CREDITORS IN
RESPONSE TO THE DEBTORS' VENDORS MOTION**

The Official Committee of Unsecured Creditors (the “Committee”) of Big Lots, Inc., as debtors and debtors in possession (collectively, the “Debtors” or “Big Lots”), hereby files this reservation of rights (the “Reservation of Rights”) in connection with the *Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing Debtors to Pay Prepetition Critical Vendor Claims, Foreign Vendor Claims, and 503(B)(9) Claims in the Ordinary Course of Business, (II) Granting Administrative Expense Status to Debtors’ Undisputed Obligations to Vendors Arising From Post-Petition Delivery of Goods Ordered Prepetition and Authorizing Debtors to Pay Those Obligations in the Ordinary Course of Business, (III) Authorizing Debtors to Return Goods, (IV) Authorizing Debtors to Pay Certain Prepetition Claims of Lien Claimants, and (V) Authorizing*

¹ The debtors and debtors in possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers, are as follows: Great Basin, LLC (6158); Big Lots, Inc. (9097); Big Lots Management, LLC (7948); Consolidated Property Holdings, LLC (0984); Broyhill LLC (7868); Big Lots Stores - PNS, LLC (5262); Big Lots Stores, LLC (6811); BLBO Tenant, LLC (0552); Big Lots Stores - CSR, LLC (6182); CSC Distribution LLC (8785); Closeout Distribution, LLC (0309); Durant DC, LLC (2033); AVDC, LLC (3400); GAFDC LLC (8673); PAFDC LLC (2377); WAFDC, LLC (6163); INFDC, LLC (2820); Big Lots eCommerce LLC (9612); and Big Lots F&S, LLC (3277). The address of the debtors’ corporate headquarters is 4900 E. Dublin-Granville Road, Columbus, OH 43081.

Financial Institutions to Honor and Process Related Checks and Transfers [Docket No. 11] (the “Vendors Motion”)² and respectfully states as follows:

STATEMENT

1. Since its formation about two weeks ago, the Committee has been working tirelessly to navigate the complex dynamics at play in the Chapter 11 Cases. Against that backdrop, the Committee has been working closely with the Debtors to negotiate resolution to certain issues raised by the relief sought in the various first day and second day motions, including with respect to the Debtors’ relief sought in the Vendors Motion.

2. The Debtors and Committee have reached agreement on the language in the proposed final order on the Vendors Motion, and the Committee does not object to the entry of the proposed order on the Vendors Motion, as revised and agreed to by the Committee. However, the Committee has yet to receive confirmation that the Debtors are complying with Third Circuit authority requiring 503(b)(9) Claims to be calculated based on receipt occurring when the Debtors took physical possession of the goods. *See In re World Imports, Ltd.*, 862 F.3d 338, 346 (3d Cir. 2017) (holding that for purposes of Bankruptcy Code section 503(b)(9), goods are “received” when the debtor or its agent takes physical possession of them). Calculating the claim based on anything other than physical possession of the goods in some cases reduces the otherwise valid amount of the 503(b)(9) claim.

² Capitalized terms used but not otherwise defined herein shall have the means ascribed to them in the Vendors Motion.

RESERVATION OF RIGHTS

3. The Committee reserves all rights to with regard to the calculation of 503(b)(9) Claims, including the right to raise concerns over the calculation of 503(b)(9) Claims after the entry of the order on the Vendors Motion.

Dated: October 8, 2024
Wilmington, Delaware

COLE SCHOTZ P.C.

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*Proposed Counsel to the Official Committee of
Unsecured Creditors*